REMARKS

1.   Applicant thanks the Office for its remarks and observations, which have greatly assisted Applicant in responding. Applicant respectfully requests reconsideration of the application.

2.   **35 U.S.C § 112**

Claims 28 and 33 are rejected under 35 U.S.C § 112, ¶ 1 as failing to comply with the written description requirement. The Office alleges that the element ". . . unassisted by voice extensions and enhancements to said HTML" finds no support in the disclosure.   The Office relies on MPEP § 2173.05(I) as authority for the present allegation.   Applicant respectfully disagrees.

While the Office correctly notes that "negative limitations" in claims must have a basis in the original disclosure, it is incorrect that the "negative limitation" must be positively described in the disclosure.   In fact, the cited section from the MPEP explicitly states that "a lack of literal basis in the specification for a negative limitation may not be sufficient to establish a _prima facie_ case for lack of descriptive support" (emphasis added).   Additionally, it is stated at MPEP § 2163 that "newly added claim limitations must be supported in the specification through express, implicit, or inherent disclosure" (emphasis added).   Accordingly, there is no requirement that a "negative limitation" must be expressly described in the disclosure.

Additionally, the Office is respectfully directed to the description at page 26, line 21 to page 29, line 10 of the specification-as-filed, which describes the extraction of data from web pages. In particular the Office is directed to the block of HTML code at page 27, line 24 to page 28, line 1.   The code shown is conventional HTML code, completely free of voice recognition extensions or enhancements. Nevertheless, even without any special enhancements or extensions, the voice portal is capable of extracting data from the HTML and rendering it as speech.

Additionally, at page 29, lines 24-29, it is noted that a "page" includes "a user interface screen or similar arrangement which can be viewed by a user of the diagnostic system, such as screens providing graphical or textual representations of data, messages,

<u>reports and so forth</u>. Moreover, such pages may be defined by a markup language or a programming language such as Java, perl, java script, or any other suitable language" (emphasis added). Accordingly, the "pages" from which data is extracted for being rendered as speech contain only information that is rendered visually.

It is therefore incorrect that the original disclosure provides no basis for the claim element ". . . unassisted by voice extensions and enhancements to said HTML."

The claim element "applying one or more text patterns to a web page" is alleged to lack support in the original disclosure. Applicant respectfully disagrees. The subject matter is <u>explicitly described</u> in the specification-as-filed, at least at page 41, line 24. In the Amendment of April 14, 2008, Applicant pointed to specifically to at least some of the parts of the specification that provide support for the newly-added Claim. The fact that the Office appears to have ignored Applicant's express guidance raises a suggestion that the Application has not been examined with due care.

Claims 28 and 33 are also rejected under 35 U.S.C § 112, ¶ 2 as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention. Applicant respectfully disagrees. In view of the foregoing discussion, the present rejection is deemed improper.

2. 35 U.S.C § 103

"All words in a claim must be considered in judging the patentability of that claim against the prior art." MPEP § 2143.033, quoting *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

A claim limitation which is considered indefinite cannot be disregarded. MPEP § 2143.033 (I).

All the limitations of the claims must be considered and given weight, including limitations which do not find support in the specification as originally filed. MPEP § 2143.033 (II).

Claims 28-30 stand rejected under 35 U.S.C § 103(a) as being unpatentable over Krane in view of Uppaluru. Applicant respectfully disagrees.

Claim 28:   Applicant hereby incorporates by reference its previous remarks and arguments regarding Claim 28.

Additionally, the Office has neglected to consider the claim element "unassisted by voice extensions and enhancements to said HTML." As above, all words of a claim must be considered when judging the patentability of a claim, including subject matter alleged to be indefinite and subject matter that is allegedly not supported by the original disclosure.   Thus, because the Office has failed to consider every word of Claim 28 in its judgment of patentability, the present rejection of Claim 28 is deemed to be improper.

Additionally, the present rejection of Claim 28 is improper because the Office has failed to show that the combination teaches or suggests each and every element of Claim 28.   Claim 28 is therefore deemed allowable over the combination Krane/Uppaluru.

"If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." MPEP § 2143.033, quoting *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

In view of their dependence from an allowable parent, Claims 29-30 are deemed allowable without any separate consideration of their merits.

Claim 33:

Applicant hereby incorporates by reference it's previous remarks and arguments regarding Claim 33.

Additionally, the Office relies on Uppaluru, col. 12, lines 11-30, col. 18, line 50 to col. 20, line 40 and col. 24, lines 15-25 as teaching or suggesting "applying one or more text patterns to a web page to identify said information and extract it." Applicant respectfully disagrees.   The cited teachings from Uppaluru describe the use of voice web forms to formulate customized queries for information by a user and to deliver requested information to the user. In all cases, the information appears to be retrieved from a database in a completely conventional fashion.   There is no evidence whatsoever in the cited portions of the reference that Uppaluru's system is capable of applying one or more text patterns to a web page to identify said information and extract it in order to supply information to a user.   Information is merely requested and delivered via voice web forms.

Even when rendering content from HVML web pages, Uppaluru's system completely lacks any capability that remotely resembles <u>applying one or more text patterns to a web page to identify said information and extract it</u>. Uppaluru's voice web browser simply parses the markup code of a web page and renders any content enclosed within voice tags in speech.

The Office additionally relies on the above portions of Uppaluru as teaching or suggesting "applying <u>a plurality of rules to said information to construct grammatical sentences from said information</u>. Applicant respectfully disagrees. The cited portions of Uppaluru merely describe the use of templates (voice web forms) to formulate queries and to deliver information in response to those queries. The templates contain fields or placeholders into which information is inserted that is to be rendered as speech, but there is no evidence that Uppaluru constructs grammatical sentences by applying rules to information that has been extracted from a web page by applying text patterns to the web page. Krane adds nothing to Uppaluru.

Thus, the combination Krane/Uppaluru fails to teach or suggest all elements of Claim 33. Claim 33 is therefore deemed allowable over the combination.

In view of their dependence from an allowable parent, Claims 34-35 are deemed allowable without any separate consideration of their merits.

For the record, Applicant respectfully traverses any and all factual assertions in the file that are not supported by documentary evidence. Such include assertions based on findings of inherency, assertions based on official notice, and any other assertions of what is well known or commonly known in the prior art.

CONCLUSION

In view of the foregoing, the Application is deemed to be in allowable condition. Applicant therefore respectfully requests reconsideration and prompt allowance of the claims. Should the Office have any questions regarding the Application, he is invited to contact Applicant's attorney at 650-474-8400.

Respectfully submitted,

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